

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 30 SEPTEMBER 2014

TRAFFIC REGULATION ORDERS FOR EVENTS

REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES

**ABSTRACT**

The report details changes by Police Scotland regarding Traffic Regulation Orders for events, sets out the impact on council services as a result and seeks to reduce the impact on our communities by establishing a policy for consideration by Committee.

**1. RECOMMENDATIONS**

The Committee is asked to:

- i) note the clarification by Police Scotland regarding the need for formal Traffic Regulation Orders for events utilising the public roads in Angus;
- ii) agree the proposals to address the need for Traffic Regulation Orders for events and the opportunities per the detail of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2011-2014:

- Our communities are safe, secure and vibrant

**3. BACKGROUND**

Across Angus on a yearly basis there are numerous events which utilise the road network as part of the open environment. These various events add to the colour and spectacle of life as well as contributing to the economic viability and vitality of our communities.

Due to the nature of these events some require formal legal arrangements to be put in place to close roads to traffic or restrict parking. Some events, particularly the more mobile/temporary delay events such as marches, parades and running/cycle events have not previously required formal Orders but have been managed by the Police under their direction. Police Scotland intimated earlier this year that formal Temporary Traffic Regulation Orders (TTROs) are now required for such events, as set out in their letter in **Appendix 1**.

Council officers are already involved in the planning and event preparation for all types of events, although this involvement varies from relatively minor contact to full engagement by a number of officers over many months, this is exemplified by simple notification for events such as 10k race to extensive involvement in the organisation of the Queen's Baton Relay for the Commonwealth Games.

There are staff costs and advertising costs involved in promoting TTROs and a summary of the actions required are detailed in **Appendix 2**. In addition the physical measures to close roads and provide diversion routes for traffic requires resources (labour, vehicles, signs, cones, etc) to both install and remove.

The council has traditionally supported and met both the administration and physical measures of assisting some, but by no means all, of these events. Similarly in the past the Police have supported events through their presence. For other events Angus Council has followed the Guidance for Scottish local authorities 'Review of Marches and Parades in Scotland' published by Scottish Government and charged in recent years for making the necessary arrangements. It was agreed in Report 80/14 at the budget meeting on 13 February 2014 that these charges be £320.00 plus the press advertising costs.

Historically for some events there has been concern over the costs of TTRO's and challenges as to which events are supported (and therefore costs met) by the council and which events have to meet the costs of both TTROs and the physical signage to close roads and provide diversion routes for traffic. Given the changes by Police Scotland it is timely to review the current processes and agree a formal policy.

TTROs are also required for undertaking physical works on the road network and where this is for utility companies or developers and private parties the charges apply. There are no proposals to change this and these closures are unchanged by the Police Scotland changes.

#### **4. CURRENT POSITION**

The council is involved in the planning of numerous events. The 2014 diary of events has some 140 events although not all of these events need TTRO's. The council incurs the costs of the TTROs and physical measures for events including Royal/VIP visits, military parades, Christmas light switch on's and remembrance parades.

It is anticipated that with the revised position by Police Scotland that there will be an increased number of events requiring Orders. Based on the current 2014 diary of events it is expected that this may be an additional 40-50%. The expansion of the need for Orders for marches and parades will have an impact on both the perceived barriers to the civil right to march and the administrative burden on organisers of some of the community events.

There is a need therefore to develop a robust, consistent and transparent approach to providing support to our communities and thereby avoid the ad hoc requests to officers to waive the costs of the council.

#### **5. PROPOSAL**

The Civic Government (Scotland) Act 1982 and the Police, Public Order and Criminal Justice (Scotland) Act 2006 set out the legal aspects of public processions. It gives the local authority powers to apply conditions when granting permission.

Officers endeavour to work with our Community Partners, Police Scotland, and the event organisers to ensure a safe event for both the participants and the wider public. It is appropriate to promote Orders so that Police Scotland officers are legally empowered to manage traffic for events.

It is proposed therefore that an appropriate Traffic Regulation Order be a standard condition placed by the council on applications for a public procession on the public road when this is required by the police.

The legislation for promoting Traffic Orders is somewhat cumbersome, with the ability to promote an Order being permitted under different Acts (Temporary Traffic Regulation Orders can be made under Section 14 of the Road Traffic Regulation Act 1984 (RTRA); Special Events Temporary Orders are made under Section 16A of the RTRA and Temporary Orders can also be made under Section 62 of the Roads (Scotland) Act 1984). The different legislation allows different periods of time for closures and some require advertising of the Order where others do not but do restrict the number of events to one only per calendar year on the same section of road.

To assist our communities and reduce the overall administration of Traffic Regulation Orders, after consideration of the approach taken by other authorities, legal advice is that it is feasible to promote a Permanent Traffic Regulation Order (PTRO) that can cover a section of road for an extended period. Therefore promoting a PTRO for the extent of the most commonly used routes which encompass sections that the council already promotes would reduce the costs and administration to the council and event organisers when using the same route. As an example promoting a PTRO for the area of High Street, Kirk Square and Commerce Street for Arbroath on an annual basis would provide the necessary legal coverage to suit the Christmas Light switch-on; Armed Forces parade; Tartan Day parade; and the Scottish Republican Socialist Movement march – all in a single Order and advert. This would reduce the cost to the council alone when compared to repetitive Orders for the events that the council supports. Traffic Regulation Orders for other organisations would be covered by the same Order and therefore can be used free of charge.

Each event will be advertised through the council's Roadworks section on our website which is also distributed to the press to publish if they choose to do so. There will continue to be an administration element of notifying utility companies; emergency services etc of the event to

ensure services take these into account. This will continue through the teams involved in the event planning.

The proposal is to identify the commonly used areas in our Burgh towns and villages where there are repeated events and this will be brought forward in a Permanent Traffic Regulation Order for Committee's approval as soon as practically possible, with a likely timescale ahead of next year's events season. It is anticipated that the Order will cover Scottish Professional League (SPL) football grounds in Angus.

Event organisers, again with the exception of those events supported by the council, would still need to meet the costs of physical works as they currently do.

However it is not practical to have Permanent Traffic Regulation Orders which cover all of the roads and therefore there remains a need for further TTROs outwith the areas covered by PTROs. For those events that are outwith the roads covered by a PTRO the process in Appendix 2 will be followed, and with the exception of the events the council supports, event organisers will be required to meet the costs as set each year through the budget. Organisers will be encouraged to use routes with PTROs wherever possible.

Furthermore it is proposed that, following the success in the Brechin community that other communities may look to develop their resources to deliver their own physical measures. The experience in Brechin has been that a number of volunteers from the community have been trained to deploy road signs etc safely by Tayside Contracts and are now judged to be competent. Thus the community volunteers are able to significantly reduce the costs of undertaking the physical measures. It is proposed to offer the opportunity of the training to other community groups subject to the costs being met by the groups who can potentially apply for an Angus Council Community Grant to further support community groups by capacity building and reducing longer term costs.

The Committee are asked to agree this approach, noting that there will no longer be press adverts or on site Public Notices ahead of each event; and that whilst the majority of events will not need additional TTROs there will be some outwith the areas covered by Permanent Traffic Regulation Orders that will be needed and that these will be at the cost of the organiser.

## **6. FINANCIAL IMPLICATIONS**

The changes introduced by Police Scotland will result in additional TTROs being required.

The proposal set out above to promote PTRO's would reduce the council's and the organisers' costs for the majority of events held in Angus. For the council there will be savings in the order of £2000 in regard to advertising/public notices and will also release staff time within the section to undertake other priority activities.

## **7. OTHER IMPLICATIONS**

Article 11 of the European Convention on Human Rights sets 'right to freedom of peaceful assembly'. The right to 'free assembly' is not an absolute one, and can be restricted if needed to:

- protect national security or public safety;
- prevent disorder or crime;
- protect health or morals; or
- protect the rights and freedom of others.

The restriction to be placed on the right to free assembly must also be in proportion so it is compatible with Article 11 of the Convention.

## **8. CONSULTATION**

The Chief Executive, Strategic Director – Resources, Head of Legal and Democratic Services, Head of Corporate Improvement and Finance and Local Police Commander for Tayside Division have been consulted in the preparation of this report.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

**Ian Cochrane, Head of Technical and Property Services**  
**E-mail:CommunitiesBusinessSupport@angus.gov.uk**

Appendix 1:- Police Scotland letter dated 31 January 2014  
Appendix 2:- Costs involved in promoting TTROs

31 January 2014

Your Ref:

Our Ref:



Addressee

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Divisional Headquarters  
West Bell Street  
Dundee

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Dear \*

### **Deployment of Police Officers at Events**

As the Superintendent with responsibility for events in the Tayside area I am writing to update you on changes in the way that Police Scotland will deploy to events, which may have the potential to impact upon events run by you.

Prior to 1 April 2013, police deployments at events varied across the country leading to significant inconsistencies in the nature of the events attended, the number of officers who would be involved and the duties that police officers would perform. It is incumbent on Police Scotland to ensure that there is a standardised deployment model whereby the appropriate number of officers undertake the right duties at the right time in order to keep people safe, in support of event organisers. With this in mind, Police Scotland will assess the threats and risks of all events and only deploy where there is an identified policing need within the footprint of the event, or where there are statutory requirements for officers to attend.

Police officers will be deployed to events for the following purposes:

- a) Where appropriate, to take action relating to the prevention and detection of crime;
- b) Where appropriate, to take action relating to the prevention of disorder or breaches of the peace;
- c) Where appropriate, to enforce traffic regulation within the legal powers provided by statute;

- d) Other statutory duties, such as royal visits or certain civic events; and
- e) Where appropriate, to coordinate emergency service activities in emergency situations.

As a result, police resources will not be routinely deployed to tasks at events which the relevant risk assessment suggests are necessary but for which the responsibility lies with the event organiser. If there are no legal responsibilities or legal powers, our expectation would be that risks should be mitigated by event organisers through appropriate stewarding or other crowd management processes.

Police officers will continue to attend relevant planning meetings in order to provide advice and assess the requirement for police attendance at specific events.

Where there is a requirement for road closures or other changes to traffic management procedures, event organisers should, in consultation with the local authority, ensure that specific Temporary Traffic Restriction Orders (TTROs) are in place. These TTROs should be supported by appropriate traffic management signage and “No Waiting” cones or other equipment required to deliver the traffic plan. Only where a TTRO exists do police officers have the legal powers to direct traffic on the public highway other than in an emergency situation.

Please note that Police Scotland will no longer be able to supply signage or “No Waiting” cones to parades or events.

You should be aware that whilst officers deploy to parades on the public highway, and will continue to do so, police officers are not entitled to utilise their emergency powers at parades or other planned events.

Where Police Scotland are supporting events, Sections 86 and 87 of the Police and Fire Reform (Scotland) Act 2012 enables the Scottish Police Authority to charge for the goods and services provided.

Police Scotland has introduced a consistent, standardised and equitable charging policy, which will be applied to all events across the country.

The appropriate charge for events, which is always based on threat and risk levels, will be highlighted to event organisers at an early stage in the planning process.

This process will ensure consistent deployment at events across the country, with fair and transparent charging levels which reflect the type of event and the risks presented.

The ability of event organisers to request policing services over and above those identified through the planning process as necessary for the safe running of the event still exist and full cost recovery will be appropriate in these cases. The number of events where these additional policing services are requested is, however, expected to be fairly low.

Should you have any queries in respect of this process, please feel free to write to me at the address noted above. In addition, Sergeant Derek Paterson has day to day responsibility for event planning in the Tayside area and will be available to discuss any issues you may wish to raise. He can be contacted on 01382 596703.

Yours sincerely

James Leslie  
Superintendent (Support)

### Costs involved in promoting TTROs

The charge is a flat fee cost for all events for the staff time including travelling time and mileage. Some TTROs can take more officer time than others depending on the complexity of the traffic management involved. The process that has to be undertaken for event planning and Temporary Traffic Regulation Orders, depending on the specific circumstances, includes:

- dealing with the application and providing advice to the applicant on roads matters;
- liaising with the Police and others as necessary;
- checking roadworks and events diaries to ensure that there are no other proposed restrictions for the affected road, or diversion route, and dates of the application. If there is a clash then negotiate with affected parties to arrange alternative;
- identifying suitable diversion routes if required;
- registering the details of proposed traffic restrictions and diversion routes on each affected road to the Scottish Road Works Register to prevent works being undertaken by utility companies;
- preparing details of the Order including details of affected lengths of roads and alternative traffic routes, reason for restriction, start date and likely duration of restrictions. Prepare a plan showing affected lengths of roads and alternative routes;
- Legal & Democratic Services prepare the legal Order based on the above, drafts the public Notice of Making of Order for advertising in the press and provides copy of signed Order to emergency services;
- laminated copies of the Public Notices are erected in the affected lengths of roads and at salient points on the alternative traffic routes and removed after the period of restriction has passed;
- copies of signed Order are sent to applicant and other interested parties.